

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 ALAN NIVEN, } Case No. CV 10-04376 GAF (PJWx)

11 Plaintiff, }

12 v. }

13 RICHARD BREWSTER; JOHN }
14 BREWSTER; NAYCODA PTY LTD.; }
15 FLASHPOINT MUSIC PTY LTD; }
16 APPLE INC.; and DOES 1 – 10. }

17 Defendants. }

18 **JUDGMENT**

1 Pursuant to the Court's March 2, 2012 Order granting in part and denying in
 2 part Plaintiff's motion for default judgment (Docket No. 54), the Court hereby
 3 enters judgment as follows:

4 1. Judgment on Plaintiff's claim of copyright infringement is entered in
 5 favor of Plaintiff Alan Niven and against Defendants John Brewster, Richard
 6 Brewster and Flashpoint Music (Pty.) Ltd. Defendants are ordered to pay \$295.77
 7 to Niven as actual damages for copyright infringement.

8 2. Defendants Richard Brewster, John Brewster and Flashpoint Music
 9 Pty. Ltd. (including but not limited to their agents, distributors, record companies
 10 and licensees) are hereby permanently enjoined from infringing in the United
 11 States any copyright (as detailed below) at issue in this case, including all
 12 copyrights covered by U.S. Copyright Reg. No. Pau 3-437-395. Infringement in
 13 this context includes violation of any rights under 17 U.S.C. § 106, including the
 14 rights of reproduction, distribution, preparation of derivative works, public
 15 performance, public display and public performance by means of digital audio
 16 transmission.

17 This injunction extends to at least the following compositions, all copied
 18 wrongfully by Defendants:

19 (i) "Do It Again"; (ii) "Brother's Keeper"; (iii) "Blue Blood"; (iv)
 20 "Shadows Fall"; (v) "Lives of Grace"; (vi) "She"; (vii) "Engine of the World";
 21 (viii) "When Love Is Free"; (ix) "No Place Like Home"; (x) "You and I"; (xi)
 22 "Passing Through;" (x) "Keep Your Woman"; and (xi) "Just Like a Woman." To
 23 date, these compositions have been included in at least the following albums, all
 24 now infringing in the United States: "Any Day", "Live At The Port Fairy Folk
 25 Festival," "Shadows Fall" and "Wounded Healer." Distribution or performance of
 26 these works in the United States is enjoined.

27 3. Judgment on Plaintiff's claim for conversion is entered in favor of
 28 Plaintiff Alan Niven. Defendant Richard Brewster is ordered to return Plaintiff's
 two guitars, namely (i) the cherry red Gibson 335 with Alnico II pickups; and (ii)

an American made Fender Stratocaster tobacco burst maple neck both lent to Richard Brewster in connection a recording project with Plaintiff. The guitars shall be returned within 45 days, with all shipping costs paid by Richard Brewster. They shall be packaged safely for return to the United States so that they arrive in reasonably the same condition they were lent. The guitars shall be shipped to Karish & Bjorgum, 238 E. Union St., Suite A, Pasadena CA 91101, United States. Once shipped, the proof of shipment and other documents shall be sent via email to Niven's counsel at eric.bjorgum@kb-ip.com.

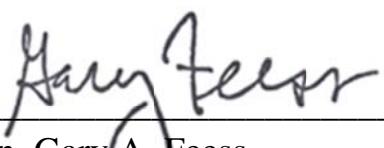
4. All remaining claims are dismissed without prejudice.

5. Pursuant to 17 U.S.C. Section 505, attorney's fees in the amount of \$10,748 are ordered in favor of Niven, payable within 30 days. Costs in the amount of \$411.50 are awarded for deliveries, pursuant to the doctrine announced in *Twentieth Century Fox Film Corp. v. Entertainment Distributing*, 429 F.3d 869, 885 (9th Cir. 2005). Niven is the prevailing party under Local Rule 54 and shall submit a bill of costs in accordance with that section. Costs shall be payable within 30 days of any costs order. Defendants are to contact Plaintiff's counsel for wire instructions.

IT IS SO ORDERED.

Dated: April 12, 2012

By: _____


Hon. Gary A. Feess
United States District Judge

Submitted by:

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